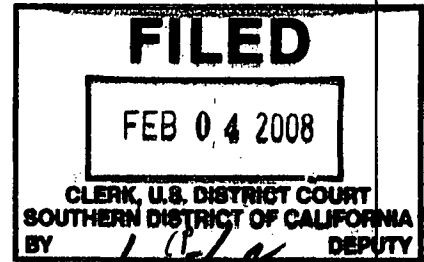


1 THOMAS P. O'BRIEN
United States Attorney
2 LEON W. WEIDMAN
Assistant United States Attorney
3 Chief, Civil Division
JOHN E. LEE (CBN 128696)
4 Assistant United States Attorney
Room 7516 Federal Building
5 300 North Los Angeles Street
Los Angeles, California 90012
6 Telephone: (213) 894-3995
Facsimile: (213) 894-5139
7 Email: john.lee2@usdoj.gov

8 Attorneys for Defendants
JANE ARELLANO, EDUARDO AGUIRRE,
9 and MICHAEL MUKASEY



I hereby attest and certify on
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
By *[Signature]* Deputy



0136

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

'08 CV 0222 IEG AJB

14 ARASH BEHZAD,

15 Plaintiff,

16 v.

17 JANE ARELLANO, District
18 Director, USCIS, Los Angeles
19 District; EDUARDO AGUIRRE,
20 Director USCIS; MICHAEL
MUKASEY, U.S. Attorney
General,

21 Defendants.

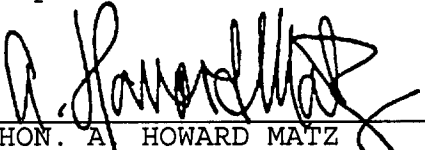
) CV 07-6834 AHM (JCx)
)
) ORDER TRANSFERRING ACTION TO
) THE UNITED STATES DISTRICT
) COURT FOR THE SOUTHERN
) DISTRICT OF CALIFORNIA

22
23
24 Upon stipulation of the parties, and good cause appearing,
25 IT IS HEREBY ORDERED as follows:

- 26 1. This action is transferred to the United State District
27 Court for the Southern District of California for
28 further proceedings as directed by that court.

1 2. Dates applicable under Rule 12 of the Federal Rules of
2 Civil Procedure in this case are hereby vacated and,
3 unless otherwise ordered by the United States District
4 Court for the Southern District of California,
5 defendants shall have to and including 45 days from the
6 entry of this order to answer, move against, or
7 otherwise respond to the complaint. Make JS-6.

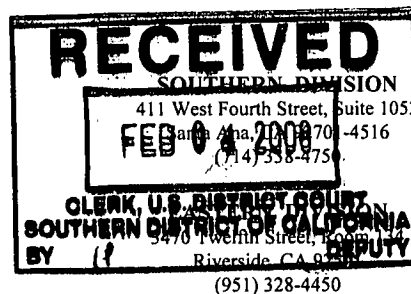
8 DATED: January 25, 2008



HON. A. HOWARD MATZ
United States District Judge



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535



SHERRI R. CARTER
District Court Executive and
Clerk of Court

January 25, 2008

Clerk, United District Court
Southern District of California
United States Courthouse, 1st Floor
2003 West Adams Avenue
El Centro, CA 92243

Re: Transfer of our Civil Case No. 2:07-cv-06834-AHM (JCx)

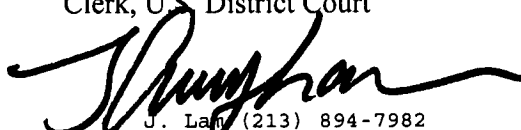
Case Title: Arash Behzad v. Jane Arellano et al

Dear Sir/Madam:

An order having been made transferring the above-numbered case to your district, we are transmitting herewith our entire original file in the action, together with certified copies of the order and the docket. Please acknowledge receipt of same and indicate below the case number you have assigned to this matter on the enclosed copy of this letter and return it to our office. Thank you for your cooperation.

Very truly yours,
SHERRI R. CARTER

Clerk, U.S. District Court


J. Lan (213) 894-7982

By _____
Deputy Clerk

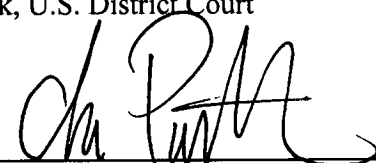
cc: All counsel of record

=====

TO BE COMPLETED BY RECEIVING DISTRICT

Receipt is acknowledged of the documents described herein and we have assigned this matter case number CV: _____.

Clerk, U.S. District Court


By _____
Deputy Clerk

(JCx), CLOSED, DISCOVERY, TRANSFERRED

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA (Western
Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:07-cv-06834-AHM-JC**

Arash Behzad v. Jane Arellano et al.
Assigned to: Judge A. Howard Matz
Referred to: Magistrate Judge Jacqueline Chooljian
Cause: 08:1447 Denial of Application for Naturalization Hearing

Date Filed: 10/22/2007
Date Terminated: 01/25/2008
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

Arash Behzad

represented by **Theresia C Sandhu**
Theresia C Sandhu Law Offices
145 George Street
San Jose, CA 95110
408-280-7890
Email: myattorney2003@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

I hereby attest and certify on 1/25/08
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

V. By [Signature] Deputy



0136

Defendant

Jane Arellano
District Director, USCIS, Los Angeles District

represented by **John E Lee**
AUSA - Office of US Attorney
300 North Los Angeles, Room 7516
Los Angeles, CA 90012
213-894-3995
Email: USACAC.criminal@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Eduardo Aguirre
Director USCIS

represented by **John E Lee**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Alberto Gonzales
US Attorney General

represented by **John E Lee**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/22/2007	1	COMPLAINT against Defendants Jane Arellano, Eduardo Aguirre, Alberto Gonzales. (Filing fee \$ 350 PAID.), filed by Plaintiff Arash Behzad. (et) (Entered: 10/30/2007)
10/22/2007		60 DAY Summons Issued re Complaint - (Discovery) [1] as to Jane Arellano, Eduardo Aguirre, Alberto Gonzales. (et) (Entered: 10/30/2007)

10/22/2007	2	CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiff Arash Behzad. (et) (Entered: 10/30/2007)
10/22/2007		FAX number for Attorney Theresia C Sandhu is 408-280-7887. (et) (Entered: 10/30/2007)
10/26/2007	3	INITIAL ORDER FOLLOWING FILING OF COMPLAINT ASSIGNED TO JUDGE MATZ: Counsel for plaintiff shall serve this Order on all defendant and/or their counsel along with the summons and complaint, or if that is not practicable as soon as possible thereafter. If this case was assigned to this Court after being removed from State Court, the defendant who removed the case shall serve this Order on all other parties. This case have been assigned to the calendar of Judge A. Howard Matz. (jp) (Entered: 10/30/2007)
12/06/2007	4	CERTIFICATE OF SERVICE BY CERTIFIED MAIL (FRCP 4(i)(A)) Executed filed by Plaintiff Arash Behzad, upon Defendants Civil Process Clerk, Jane Arellano, District Director USCIS served on 12/4/2007, answer due 2/2/2008; Michael B. Mukasey, Attorney General served on 12/4/2007, answer due 2/2/2008. The Summons and Complaint were served by Certified Mail, by Federal statute. (Name of Person accepted service NOT SPECIFIED on behalf of Defendants). Original Summons NOT returned. (NO ORIGINAL AND/OR COPIES OF DOMESTIC RETURN RECEIPT ATTACHED). (jp) (Entered: 12/12/2007)
01/23/2008	5	STIPULATION to Transfer Case to United States District Court for the Southern District of California filed by Defendants Arash Behzad, Jane Arellano, Eduardo Aguirre, Alberto Gonzales. (Attachments: # 1 Proposed Order)(Lee, John) (Entered: 01/23/2008)
01/25/2008	6	ORDER by Judge A. Howard Matz transferring action to USDC, Southern District of California at El Centro for further proceedings as directed by that court. Dates applicable under Rule 12 of the FRCP in this case are hereby vacated and, unless otherwise ordered by the USDC for the Southern District of California, defendants shall have to and including 45 days from the entry of this Order to answer, move against, or otherwise respond to the complaint. Original file, certified copy of the transfer order and docket sheet sent. (MD JS-6. Case Terminated.) (Attachments: # 1 CV-22 Transmittal Letter - Transfer Out) (jp) (Entered: 01/25/2008)
01/25/2008		TRANSMITTAL of documents - mailed all original documents in case file, except original transfer order which is retained and a certified copy of the civil docket sheet to the USDC, Southern District of California at El Centro. (jp) (Entered: 01/25/2008)

PACER Service Center			
Transaction Receipt			
01/25/2008 15:40:57			
PACER Login:	us3877	Client Code:	
Description:	Docket Report	Search Criteria:	2:07-cv-06834-AHM-JC
Billable Pages:	2	Cost:	0.16

1 THOMAS P. O'BRIEN
United States Attorney
2 LEON W. WEIDMAN
Assistant United States Attorney
3 Chief, Civil Division
JOHN E. LEE (CBN 128696)
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Facsimile: (213) 894-5139
7 Email: john.lee2@usdoj.gov

8 Attorneys for Defendants
JANE ARELLANO, EDUARDO AGUIRRE,
9 and MICHAEL MUKASEY

10
11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13 WESTERN DIVISION

14 ARASH BEHZAD,) CV 07-6834 AHM (JCx)
15)
Plaintiff,) STIPULATION TRANSFERRING
16) ACTION TO THE UNITED STATES
v.) DISTRICT COURT FOR THE
17) SOUTHERN DISTRICT OF
JANE ARELLANO, District) CALIFORNIA
18 Director, USCIS, Los Angeles)
District; EDUARDO AGUIRRE,)
19 Director USCIS; MICHAEL)
MUKASEY¹, U.S. Attorney)
20 General,)
21 Defendants.)
22)

23 WHEREAS, on October 22, 2007, plaintiff filed a Complaint
24 for Adjudication of Application for Naturalization pursuant to 8
25 U.S.C. § 1447(b);
26

27 ¹ Pursuant to Rule 25(d)(1) of the Federal Rules of Civil
28 Procedure, Michael Mukasey is substituted as the Attorney General
in place of Alberto Gonzales.

1 WHEREAS plaintiff presently resides in the vicinity of
2 Poway, California, which is within the Southern District of
3 California; and

4 WHEREAS, for the convenience of the parties and so that
5 plaintiff's naturalization application may be reviewed by the
6 appropriate district office of the United States Citizenship and
7 Immigration Services, which office is the district in which
8 plaintiff resides, the parties desire that this action be
9 transferred to the United States District Court for the Southern
10 District of California for further proceedings;

11 IT IS HEREBY STIPULATED by the parties that the Court may
12 file and enter the proposed order lodged concurrently herewith,
13 transferring this action to the United States District Court for
14 the Southern District of California for further proceedings.

15 DATED: January 23, 2008 LAW OFFICE OF THERESIA C. SANDHU

16
17 /S/
18 THERESIA C. SANDHU, ESQ.

19 Attorney for Plaintiff
20 ARASH BEHZAD

21 DATED: January 23, 2008 THOMAS P. O'BRIEN
22 United States Attorney
23 LEON W. WEIDMAN
24 Assistant United States Attorney
25 Chief, Civil Division

26 /S/
27 JOHN E. LEE
28 Assistant United States Attorney

Attorneys for Defendants
JANE ARELLANO, EDUARDO AGUIRRE, and
MICHAEL MUKASEY

FILED

THERESIA C. SANDHU Calif. State Bar No. 213499
LAW OFFICE OF THERESIA C. SANDHU
145 George Street
San Jose, CA 95110
(408) 280-7890 Telephone
(408) 280-7887 Facsimile
myattorney2003@yahoo.com Email

2007 DEC -6 PM 3:09
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

Attorney for Plaintiff
Arash BEHZAD

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION – LOS ANGELES

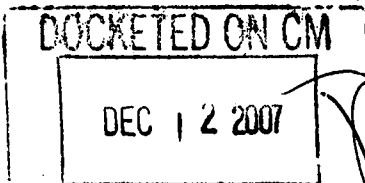
ARASH BEHZAD,

Plaintiff,

vs

JANE ARELLANO, DISTRICT
DIRECTOR USCIS, LOS ANGELES
DISTRICT; EDUARDO AGUIRRE,
DIRECTOR USCIS; ALBERTO
GONZALES, US ATTORNEY
GENERAL,

Defendants.



Case No. **CV 07-6834 AHM (JCx)**

CERTIFICATE OF SERVICE
BY CERTIFIED MAIL (FRCP4(i)(A))

SUMMONS, COMPLAINT FOR
ADJUDICATION OF APPLICATION FOR
NATURALIZATION 8 U.S.C. 1447(b),
CERTIFICATION AND NOTICE OF
INTERESTED PARTIES and CIVIL
COVER SHEET

Date: TBD
Time: TBD
Department:
The Honorable A Howard Matz
Magistrate Judge Jacqueline Chooljian

BY _____ 002
CERTIFICATE OF SERVICE BY CERTIFIED MAIL (per FRCP 4(i)(a)(A))

I the undersigned, certify that I am and at all times during the service of process was, not less than 18 years of age. I am not related to the Plaintiff in this matter. I am an employee of the Law Office of Theresia C. Sandhu, and my business address is 145 George Street, San Jose, CA, 95110.

1 I further certify that the service of this **SUMMONS, COMPLAINT FOR**
2 **ADJUDICATION OF APPLICATION FOR NATURALIZATION 8 U.S.C. 1447(b),**
3 **CERTIFICATION AND NOTICE OF INTERESTED PARTIES and CIVIL COVER**
4 **SHEET** was made on December 4, 2007.

5 On December 4, 2007, I placed a copy of **SUMMONS, COMPLAINT FOR**
6 **ADJUDICATION OF APPLICATION FOR NATURALIZATION 8 U.S.C. 1447(b),**
7 **CERTIFICATION AND NOTICE OF INTERESTED PARTIES and CIVIL COVER**
8 **SHEET** by depositing the same in the United States Mail, CERTIFIED first class mail postage
prepaid, at San Jose, California, addressed to Defendants, listed below.

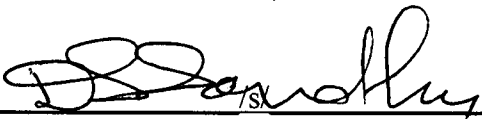
9 Civil Process Clerk Certified mail receipt #7006 2150 0000 9533 8928
Office of The United States Attorney
10 Room 4354, Federal Building
11 300 North Los Angeles Street
Los Angeles, California 90012

12 Jane Arellano Certified mail receipt #7006 2150 0000 9533 8942
13 District Director USCIS
United States Citizenship and Immigration Service
14 300 North Los Angeles Street
15 Los Angeles, California 90012

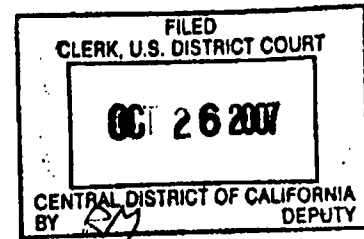
16 Michael B. Mukasey Certified mail receipt #7006 2150 0000 9533 8935
17 Attorney General of the United States
US Department of Justice
18 950 Pennsylvania Avenue N.W.
Washington DC 20530-0001

19
20 I declare under penalty of perjury under the laws of the United States of America that the
21 foregoing is true and correct to the best of my knowledge.

22 DATED: December 4, 2007

23 
24 _____
Daljeet S. Sandhu

SEND



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARASH BEHZAD,
Plaintiff,
v.
JANE ARELLANO, et al.,
Defendants.

CASE NO. CV 07-6834 AHM (JCx)
INITIAL ORDER FOLLOWING
FILING OF COMPLAINT ASSIGNED
TO JUDGE MATZ

COUNSEL FOR PLAINTIFF SHALL SERVE THIS ORDER ON ALL
DEFENDANTS AND/OR THEIR COUNSEL ALONG WITH THE SUMMONS
AND COMPLAINT, OR IF THAT IS NOT PRACTICABLE AS SOON AS
POSSIBLE THEREAFTER. IF THIS CASE WAS ASSIGNED TO THIS
COURT AFTER BEING REMOVED FROM STATE COURT, THE
DEFENDANT WHO REMOVED THE CASE SHALL SERVE THIS ORDER
ON ALL OTHER PARTIES.

This case has been assigned to the calendar of Judge A. Howard Matz.
Judge Matz is intent on assuring that, as called for in Fed.R.Civ. P. 1, this case
will proceed so as "to secure [a] just, speedy and inexpensive determination . . ."

1 The parties are hereby informed of how they are expected to proceed.

2 **A. THE COURT'S ORDERS**

3 Copies of Judge Matz's orders that may have specific application to this
4 case are available on the Central District of California website. See ¶ J. Those
5 orders include the following (this is not necessarily a complete list):

- 6 (1) Order Setting Rule 26(f) Scheduling Conference
7 (2) Scheduling and Case Management Order
8 (3) Order re Protective Orders and Treatment of Confidential
9 Information
10 (4) Orders (separate) re Civil Jury Trials and Court Trials
11 (5) Order re Settlement Conference

12 **B. SERVICE OF PLEADINGS**

13 Although Fed.R.Civ.P. 4(m) does not require the summons and complaint
14 to be served for as much as 120 days, the Court expects that they will be served
15 much sooner than that, and will require plaintiff to show cause before then if it
16 appears that there is undue delay.

17 **C. ASSIGNMENT TO A MAGISTRATE JUDGE**

18 Under 28 U.S.C. § 636, the parties may consent to have a Magistrate Judge
19 preside over all proceedings, including trial. The Magistrate Judges who accept
20 those designations are identified on the Central District's website, which also
21 contains the consent form. See ¶ J.

22 **D. APPLICATIONS AND STIPULATIONS FOR EXTENSIONS**
23 **OF TIME**

24 **A. Applications or Stipulations to Extend the Time to File any**
25 **Required Document or to Continue any Pretrial or Trial**
26 **Date.**

27 No stipulations extending scheduling requirements or modifying applicable
28 rules are effective until and unless the Court approves them. Both applications

1 and stipulations must set forth:

- 2 1. the existing due date or hearing date;
- 3 2. specific, concrete reasons supporting good cause for granting the
- 4 extension. In this regard, a statement that an extension "will promote settlement"
- 5 is insufficient. The requesting party or parties must indicate the status of ongoing
- 6 negotiations: have written proposals been exchanged? Is counsel in the process of
- 7 reviewing a draft settlement agreement? Has a mediator been selected?
- 8 3. whether there have been prior requests for extensions, and whether
- 9 these were granted or denied by the Court.

10 **E. TRO'S AND INJUNCTIONS**

11 Parties seeking emergency or provisional relief shall comply with
12 F.R.Civ.P. 65 and Local Rule 65. The Court will not rule on any application for
13 such relief for at least 24 hours after the party subject to the requested order has
14 been served; such party may file opposing or responding papers in the interim.
15 The parties shall lodge a courtesy copy, conformed to reflect that it has been filed,
16 of all papers relating to TROs and injunctions. The courtesy copy shall be placed
17 in the drop box in the entrance way to chambers, to the left of Courtroom 14. All
18 such papers shall be filed "loose" - - *i.e.*, not inside envelopes.

19 **F. CASES REMOVED FROM STATE COURT**

20 All documents filed in state court, including documents appended to the
21 complaint, answers and motions, must be refiled in this Court as a supplement to
22 the Notice of Renewal, if not already included. *See* 28 U.S.C. § 1447(a)(b). If
23 the defendant has not yet answered or moved, the answer or responsive pleading
24 filed in this Court must comply with the Federal Rules of Civil Procedure and the
25 Local Rules of the Central District. If before the case was removed a motion was
26 pending in state court, it must be re-noticed in accordance with Local Rule 7.

27 ///

28 ///

1 **G. STATUS OF FICTITIOUSLY NAMED DEFENDANTS**

2 This Court intends to adhere to the following procedures where a matter is
3 removed to this Court on diversity grounds with fictitiously named defendants
4 referred to in the complaint. (*See* 28 U.S.C. §§ 1441(a) and 1447.)

5 1. Plaintiff is normally expected to ascertain the identity of and serve
6 any fictitiously named defendants within 120 days of the removal of the action to
7 this Court.

8 2. If plaintiff believes (by reason of the necessity for discovery or
9 otherwise) that fictitiously named defendants cannot be fully identified within the
10 120-day period, an *ex parte* application requesting permission to extend that
11 period to effectuate service may be filed with this Court. Such application shall
12 state the reasons therefor, and may be granted upon a showing of good cause.
13 The *ex parte* application shall be served upon all appearing parties, and shall state
14 that appearing parties may comment within seven (7) days of the filing of the *ex*
15 *parte* application.

16 3. If plaintiff desires to substitute a named defendant for one of the
17 fictitiously named parties, plaintiff first shall seek to obtain consent from counsel
18 for the previously-identified defendants (and counsel for the fictitiously named
19 party, if that party has separate counsel). If consent is withheld or denied,
20 plaintiff may apply *ex parte* requesting such amendment, with notice to all
21 appearing parties. Each party shall have seven calendar days to respond. The *ex*
22 *parte* application and any response should comment not only on the substitution
23 of the named party for a fictitiously named defendant, but on the question of
24 whether the matter should thereafter be remanded to the Superior Court if
25 diversity of citizenship is destroyed by the addition of the new substituted party.
26 *See* U.S.C. § 1447(c)(d).

27 ///

28 ///

1 **H. BANKRUPTCY APPEALS**

2 Counsel shall comply with the ORDER RE PROCEDURE TO BE
3 FOLLOWED IN APPEAL FROM BANKRUPTCY COURT issued at the time
4 the appeal is filed in the District Court. The matter is considered submitted upon
5 the filing of the appellant's reply brief. No oral argument is held unless otherwise
6 ordered by this Court.

7 **I. MOTIONS UNDER FED.R.CIV.P. 12**

8 Many motions to dismiss or to strike could be avoided if the parties confer
9 in good faith (as they are required to do under L.R. 7-3), especially for perceived
10 defects in a complaint, answer or counterclaim which could be corrected by
11 amendment. *See Chang v. Chen*, 80 F.3d 1293, 1296 (9th Cir. 1996) (where a
12 motion to dismiss is granted, a district court should provide leave to amend unless
13 it is clear that the complaint could not be saved by *any* amendment). Moreover, a
14 party has the right to amend his complaint "once as a matter of course at any time
15 before a responsive pleading is served." Fed.R.Civ.P. 15(a). A 12(b)(6) motion
16 is not a responsive pleading and therefore plaintiff might have a right to amend.
17 *See Nolen v. Fitzharris*, 450 F.2d 958, 958-59 (9th Cir. 1971); *St. Michael's*
18 *Convalescent Hospital v. California*, 643 F.2d 1369, 1374 (9th Cir. 1981). And
19 even where a party has amended his Complaint once or a responsive pleading has
20 been served, the Federal Rules provide that leave to amend should be "freely
21 given when justice so requires." F.R.Civ.P. 15(a). The Ninth Circuit requires
22 that this policy favoring amendment be applied with "extreme liberality."
23 *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990).

24 These principles require that counsel for the plaintiff should carefully
25 evaluate the defendant's contentions as to the deficiencies in the complaint and
26 that in many instances the moving party should agree to any amendment that
27 would cure a curable defect.

28 ///

1 In the unlikely event that motions under Fed.R.Civ.P. 12 challenging
2 pleadings are filed after the Rule 26(f) Scheduling Conference, the moving party
3 shall attach a copy of the challenged pleading to the Memorandum of Points and
4 Authorities in support of the motion.

5 The foregoing provisions apply as well to motions to dismiss a
6 counterclaim, answer or affirmative defense, which a plaintiff might contemplate
7 bringing.

8 **J. COURTESY COPIES AND COMPUTER DISKS**

9 Courtesy copies should be provided to chambers when: (1) reply papers
10 are filed early – *e.g.*, on the Friday before the deadline set out in L.R. 7-10; or (2)
11 emergency circumstances make them essential – *e.g.*, for TROs, *ex parte*
12 applications or papers filed during trial or within two days of a scheduled hearing,
13 pre-trial conference or trial. When the Court requires that a computer disk be
14 submitted (*e.g.*, with summary judgment papers or proposed jury instructions),
15 that disk should be left in a labeled envelope in the courtesy box.

16 Counsel should avoid leaving extra copies of voluminous documents with
17 chambers when they are not necessary to comply with this paragraph.

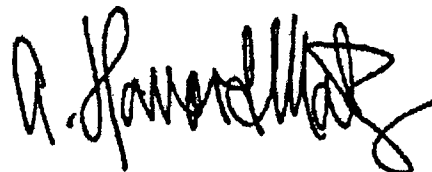
18 **K. WEBSITE**

19 Copies of this Order and other orders of this Court are available on the
20 Central District of California's website, at "www.cacd.uscourts.gov," under
21 "Judge's Requirements."

22 The Court thanks counsel and the parties for their anticipated cooperation.

23
24 IT IS SO ORDERED.

25
26 Dated: October 25, 2007



27 A. HOWARD MATZ
28 United States District Judge

FILED

NAME, ADDRESS & TELEPHONE NUMBER OF ATTORNEY(S) FOR, OR, PLAINTIFF OR DEFENDANT IF PLAINTIFF OR DEFENDANT IS PRO PER

Theresia C. Sandhu, Esq.
Law Office of Theresia C. Sandhu
145 George Street
San Jose, CA 95110

408-280-7890 Telephone

2007 OCT 22 PM 3:31

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

ATTORNEYS FOR: Arash Behzad

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARASH BEHZAD

CASE NUMBER

CV07-06834 AHM (JCx)

Plaintiff(s),

v.

JANE ARELLANO, DIST DIRECTOR USCIS, LOS
ANGELES DIST; EDUARDO AGUIRRE, USCIS
DIRECTOR; US ATTORNEY GENERAL

Defendant(s)

CERTIFICATION AND NOTICE
OF INTERESTED PARTIES
(Local Rule 7.1-1)

TO: THE COURT AND ALL PARTIES APPEARING OF RECORD:

The undersigned, counsel of record for ARASH BEHZAD
(or party appearing in pro per), certifies that the following listed party (or parties) has (have) a direct, pecuniary interest in the outcome of this case. These representations are made to enable the Court to evaluate possible disqualification or recusal. (Use additional sheet if necessary.)

PARTY

CONNECTION

(List the names of all such parties and identify their connection and interest.)

-NONE-

10/15/07
Date

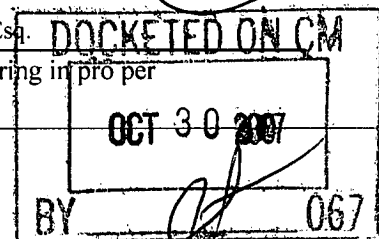
Theresia C. Sandhu
Sign

Theresia C. Sandhu, Esq.

Attorney of record for or party appearing in pro per

NOTICE OF INTERESTED PARTIES

CV-30 (12/03)



1 **THERESIA C. SANDHU** State Bar No. 213499
 2 **LAW OFFICE OF THERESIA C. SANDHU**
 3 145 George Street
 4 San Jose, CA 95110
 (408) 280-7890 Telephone
 (408) 280-7887 Facsimile
 myattorney2003@yahoo.com Email

5 Attorney for Plaintiff
 6 **ARASH BEHZAD**

2007 OCT 22 PM 3:31
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES

FILED

7 **UNITED STATES DISTRICT COURT**
 8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
 9 **WESTERN DIVISION - LOS ANGELES**

11 **ARASH BEHZAD,** Plaintiff,

12 vs

13 **JANE ARELLANO, DISTRICT**
 14 **DIRECTOR USCIS, LOS ANGELES**
 15 **DISTRICT; EDUARDO AGUIRRE,**
 16 **DIRECTOR USCIS; ALBERTO**
GONZALES, US ATTORNEY
GENERAL,

Defendants.

Case No.

CV07-06834 AHM (JCx)

COMPLAINT FOR
ADJUDICATION OF APPLICATION
FOR NATURALIZATION
8 U.S.C. 1447(b)

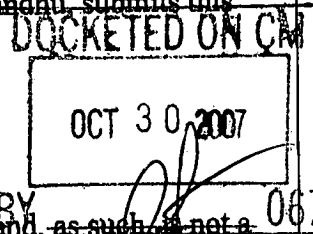
17 COMES NOW, Plaintiff Arash Behzad and through his counsel, Theresia C. Sandhu, submits this

18 Complaint as follows:

19 **PARTIES**

20 1. Plaintiff Arash Behzad, Alien Number 046 770 788, is an alien and, as such, is not a
 21 citizen of any state of the United States. He is a resident of the County of Los Angeles, State of
 22 California. Mr. Behzad is an applicant for naturalization based on an INS Form N-400 application
 23 that he filed with the Defendants on August 13, 2004.

24 2. Mr. Behzad was interviewed by a USCIS officer on or about April 4, 2005 pursuant
 25 to 8 U.S.C. 1446(b), and 8 C.F.R. 335.2. It has been more than 120 days since his examination and
 26



as of this date, no decision has been made on his application for naturalization.

DEFENDANTS

3. Defendant Jane Arellano, District Director of the United States Citizenship and Immigration Service ("USCIS"), Los Angeles, is the officer designated by statute to recommend the grant of or denial of any application or petition submitted to the United States Citizenship and Immigration Service, Los Angeles District Office, relating to the N-400 application submitted by the Plaintiff, 8.C.F.R. 103.1(g)(2)(ii)(B). The principal office of the Los Angeles district is 300 North Los Angeles Street, Los Angeles, California 90012.

4. Defendant UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES ("USCIS") formerly the IMMIGRATION AND NATURALIZATION SERVICE ("INS")¹, is a Federal Agency within the United States Department of Homeland Security (DHS) which is required under law (8 U.S.C. §1103) to supervise, implement and enforce the Immigration and Nationality Act ("INA"), 8 U.S.C. §1101, et seq.

JURISDICTION AND VENUE

5. This is an action pursuant to 8 U.S.C. 1447(b) and 8 C.F.R. 310.5(a), requesting the Court to determine Mr. Behzad's application for naturalization due to the inaction of the defendants. Alternatively it is an action in Mandamus and Injunctive Relief in accordance with the provisions of Title 28, United States Code sections 2201 and 2202, and is brought for the purpose of determining a question of actual controversy between the parties as more fully explained in the remainder of the Complaint.

6. Jurisdiction of this action is based on Title 28 United States Code, Sections 1131(a) and 2201, and 8 United States Code Section 1448(b). The Plaintiff alleges eligibility for payment of

¹ On March 1, 2003, the service and benefit functions of the United States Immigration and Naturalization Service (INS) transitioned into the Department of Homeland Security (DHS) as the United State citizenship and Immigration Services (USCIS).

1 reasonable attorney's fees under the terms of the Equal Access to Justice Act, Title 28, United States
2 Code, Section 2412.

3 7. Venue lies in this Court pursuant to the provisions of Title 28, United States Case,
4 Section 1391(e), as Plaintiff resided in Los Angeles County at the time of the events herein
5 described.
6

7 **CLAIM FOR RELIEF**

8 8. The Plaintiff files his application for naturalization, as previously described, with the
9 defendants on or about August 13, 2004. Pursuant to 8 CFR 335.2(a) he was examined on his
10 application on or about April 4, 2005. Through negligence, poor management and inattention, the
11 Defendants have failed to determine the Plaintiff's application for naturalization within the 120 day
12 time period as required by 8 C.F.R. 335.3(a).
13

14 9. The plaintiff meets all of the statutory requirements for naturalization set forth in 8
15 U.S.C. §§1421 through 1450. There is no reasonable basis for the defendants' position and it is not
16 substantially justified under the law.

17 10. The Defendants have not taken action to complete the adjudication of said application
18 in this action.

19 11. The Defendants have adjudicated applications and petitions filed by persons who are
20 not parties to this action and which were examined subsequent to the examination of the Plaintiff.
21

22 12. The Defendant does not employ any reasonable system to safeguard that: (1) Files are
23 centrally monitored to guarantee that they are being closed out on a rational, efficient and non-
24 preferential basis; or (2) applicants and petitioners are provided with information on the status of
25 files that have not been adjudicated on a timely basis.

26 13. The Plaintiff has been denied due process of law under the terms of the Fifth
27 Amendment to the United States Constitution by the Defendants' neglect and refusal to take action
28

1 to adjudicate his application.

2 14. The plaintiff has suffered and continues to suffer irreparable harm as a result of the
3 Defendant's refusal to take action. This harm includes: an unreasonable delay in establishing
4 eligibility for United States Citizenship, inability to travel, separation from his family, inability to
5 establish residency for tuition purposes, inability to obtain home or educational loans and generally,
6 continuing mental distress resulting from this unsettled legal condition.
7

8 15. The defendants have in their possession all information necessary to complete the
9 adjudication of the Plaintiff's application. The Defendants' refusal to complete this administrative
10 processing is a disregard of their official duty, 8 C.F.R. 335.3(a) and the Plaintiff is wholly without
11 remedy, under the circumstances, unless the Court assumes jurisdiction and determines the matter.
12

13 **PRAYER FOR RELIEF**

14 WHEREFORE, the Plaintiff prays:

15 1. The Court should assume jurisdiction over the N-400 application pursuant to 8 U.S.C.
16 1447(b) and determine the petitioner's eligibility for naturalization.

17 2. That the Defendants be ordered to pay the costs of suit herein.

18 3. That the Defendants be ordered to pay the Plaintiff's reasonable attorney's fees for
19 this action pursuant to the Equal access to justice act, Title 28 United States Code Section 2412 et
20 seq., 2412 (a)(1)(A).
21

22 4. That the Court grant such other and further relief as it may deem to be necessary and
23 proper.

24 Dated: October 15, 2007

LAW OFFICE OF THERESIA C. SANDHU

25 By:

Theresia C. Sandhu

26 **THERESIA C. SANDHU**

Attorney for Plaintiff

27 **ARASH BEHZAD**
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Arash BEHZAD

PLAINTIFF(S)

v.

JANE ARELLANO, DISTRICT DIRECTOR USCIS,
LOS ANGELES DISTRICT; EDUARDO
AGUIRRE, DIRECTOR USCIS; ALBERTO
GONZALES, US ATTORNEY GENERAL
DEFENDANT(S).

CASE NUMBER

CV 07-06834 AHM (JCx)

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney
Theresia C. Sandhu, whose address is:

Law Office of Theresia C. Sandhu
145 George Street
San Jose, CALIF 95110

an answer to the ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim
which is herewith served upon you within 60 days after service of this Summons upon you, exclusive
of the day of service. If you fail to do so, judgement by default will be taken against you for the relief
demanded in the complaint.

FOR OFFICE USE ONLY

Clerk, U.S. District Court

Dated: OCT 22 2007By: KENDRA BRADSHAW

Deputy Clerk

(Seal of the Court)

DOCKETED ON CM

OCT 30 2007

BY

067

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge A. Howard Matz and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

CV07 - 6834 AHM (JCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) <p align="center">Arash BEHZAD</p>		DEFENDANTS JANE ARELLANO, DISTRICT DIRECTOR USCIS, LOS ANGELES DISTRICT; EDUARDO AGUIRRE, DIRECTOR USCIS; ALBERTO GONZALES, US ATTORNEY GENERAL	
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): Los Angeles		County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): Los Angeles	
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Theresia C. Sandhu Law Office of Theresia C. Sandhu 145 George Street San Jose, CA 95110 Phone: 408-280-7890		Attorneys (If Known)	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:40%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td></td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF		<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business in this State	PTF	DEF																				
	<input type="checkbox"/> 1	<input type="checkbox"/> 1		<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No
 MONEY DEMANDED IN COMPLAINT: \$ Attorney Fees & Costs

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

FOR OFFICE USE ONLY: Case Number: _____

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

Los Angeles County

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).

☒ Check here if the U.S. government, its agencies or employees is a named defendant.

United States Citizenship and Immigration Services - Los Angeles District Office - Los Angeles County

List the California County, or State if other than California, in which **EACH claim arose.** (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles County

X. SIGNATURE OF ATTORNEY (OR PRO PER): Theresa C. Sandhu Date 10/15/07

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other documents required by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Arash Behzad

DEFENDANTS

Jane Arellano, District Director, USCIS, Los Angeles

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Los Angeles
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Theresia C Sandhu
Theresia C Sandhu Law Offices
145 George Street
San Jose, CA 95110
408-280-7890

ATTORNEYS (IF KNOWN)

'08 CV 0222 IEG AJB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)
☐ U.S. Government Defendant ☐ Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PT | DEF | | PT | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

8 U.S.C. 1447(B)

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RS1 (405(e))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other			<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights			<input checked="" type="checkbox"/> 990 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property		<input type="checkbox"/> 555 Prisoner Conditions			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☒ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE

(R 2/4/08)

Signature: *Chen F...*